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FCC Mail Room

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MEMORANDUM

Via Electronic Delivery

February 20, 2008

TO: Victoria Guido

FROM: Andrew Isar

SUBJECT: 2009 Certification of Compliance with FCC Customer Proprietary Network Information Regulations

Victoria, attached for your signature is Ezequiel Guido d/b/a E Marketing's¹ ("E Marketing") 2009 Federal Communications Commission's Customer Proprietary Network Information ("CPNI") compliance certification for calendar year 2008. **This filing is due on or before March 2, 2009.**²

The certification documents are attached. Also included for your information and reference is a reiteration of the CPNI requirements that have been provided with past certifications.

This certification has been prepared on the basis of the Company's presumed compliance with federal CPNI rules and further presumption that the Company does not sell, or otherwise offer, CPNI to any other entity. Please review the certification for accuracy, and advise of any amendments that may be required, as noted below.

To complete the filing, please 1) print the attached transmittal letter on Company letterhead; 2) sign the letter; 3) sign the certification immediately following; and 4) return the signed letter and certification via email or facsimile at 866.474.3630. The document will be filed electronically on February 27, 2009, via the Commission's Electronic Comment Filing System. I will provide you with a filing confirmation.

Please do not hesitate to contact me if you have any questions.

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¹ As the legal company name reflected in the FCC Form 499A is "Ezequiel Guido d/b/a E Marketing," this is the corporate name being used.

² Filings are due March 1 unless March 1 falls on a weekend, as it does this year.

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February 27, 2009

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554

RE: 2008 CPNI Certification, EB-06-36

Dear Ms. Dortch:

Pursuant to section 64.2009(e) of the Commission's rules³ and the Commission's *Public Notice*, DA 09-9, dated January 7, 2009 in the above-captioned matter, Ezequiel Guido d/b/a E Marketing hereby submits its compliance certificate and this statement explaining how the Company's operating procedures ensure compliance with these regulations.

By the attached Certificate, I hereby certify to the Commission that Ezequiel Guido d/b/a E Marketing has established, and strictly follows, policies and operating procedures to fully comply with applicable provisions of section 64.2001 *et seq.* of the Commission's rules governing Customer Proprietary Network Information ("CPNI").

Ezequiel Guido d/b/a E Marketing has established strict policies, which expressly prohibit release of CPNI to any employee not directly involved in the provision of service to the customer, subject to disciplinary action and termination of employment. Each employee receives an initial CPNI protection briefing and annual CPNI protection requirement reviews thereafter. All employees are strictly held to non-disclosure obligations.

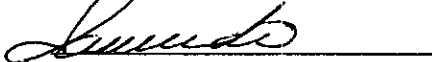
CPNI data is accessible only to those employees with a "need to know" for purposes of serving current subscribers. The Company does not sell, or otherwise release, CPNI to other entities under any circumstances. Ezequiel Guido d/b/a E Marketing has no affiliates. All contact with customers is documented through retention of electronic copies of communications and retention of any scripts used if contacting subscribers telephonically, for a minimum period of one year. All sales or marketing campaigns initiated by the Company require my approval; I am responsible for ensuring that each campaign strictly complies with the Commission's CPNI regulations.

Questions regarding this matter may be directed to me.

Sincerely,

EZEQUIEL GUIDO D/B/A E MARKETING

Victoria Guido



³ 47 C.F.R. §64.2009(e).

**Annual 47 C.F.R. S: 64.2009(e) CPNI Certification
EB Docket 06-36**

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Annual 64.2009(e) CPNI Certification for calendar year 2008.

Date filed: February 27, 2009

Name of company covered by this certification: Ezequiel Guido d/b/a E Marketing

Form 499 Filer ID: 826403

Name of signatory: Victoria Guido

Title of signatory: President

I, Victoria Guido, certify that I am an officer of the Company named above, and acting as an agent of the Company, that I have personal knowledge that the Company has established operating procedures that are adequate to ensure compliance with the Commission's CPNI rules. *See 47 C.F.R. S: 64.2001 et seq.*

Attached to this certification is an accompanying letter statement explaining how the Company's procedures ensure that the company is in compliance with the requirements set forth in section 64.2001 *et seq.* of the Commission's rules.

The Company has not taken, nor been compelled to take, any actions⁴ against data brokers in the past year. Companies must report on any information that they have with respect to the processes pretexters are using to attempt to access CPNI, and what steps companies are taking to protect CPNI.

The company has not received any customer complaints in the past year concerning the unauthorized release of CPNI.

EZEQUIEL GUIDO D/B/A
E MARKETING

Signed



Victoria Guido
9216 Berwyn Way
Windsor, CA 95492
Telephone: (707) 280-3724
Facsimile: (707) 836-1063

⁴ Proceedings instituted or petitions filed by a company at either state commissions, the court system, or at the Commission against data brokers.

Background. On January 30, 2006, the Federal Communications Commission's ("FCC") Enforcement Bureau released Public Notice 06-233, directing, "all telecommunications carriers, including wireline and wireless carriers, to submit a compliance certificate to the Commission, as required by section 64.2009(e) of the Commission's rules."⁵ This requirement resulted from Commission review of several major carriers' failure to comply with CPNI rules. Prior to 2006, telecommunications carriers had been required to comply with CPNI rules, but were not required to make affirmative certifications until the FCC imposed such obligations as an interim annual requirement. The interim filing requirement has since been made permanent under the Commission's "EPIC CPNI Order."⁶

On January 29, 2008, the Commission's Enforcement Bureau, in response to filer requests for guidance regarding certification submissions, provided a CPNI certification template.⁷ According to the Enforcement Bureau,

Use of this template is not mandatory, and any document that meets the requirements of the rule may be filed. Parties that elect to use the suggested template are encouraged to review the template carefully and to ensure that all fields are fully completed before submission in the above-referenced docket.

The Enforcement Bureau's template offers a useful tool and has been adapted for the 2009 certification, accordingly.

For your reference, additional information regarding CPNI compliance is available through the Commission's CPNI web page.

Certification. Companies are directed to file a compliance certificate signed by a corporate officer, certifying compliance with Commission CPNI rules and a separate explanation of how the Company's operating procedures ensure compliance with these

⁵47 C.F.R. § 64.2009. Section 64.2009 governs telecommunications carrier protection of Customer Proprietary Network Information.

⁶ Implementation of the Telecommunications Act of 1996: Telecommunications Carriers' Use of Customer Proprietary Network Information and Other Customer Information; IP-Enabled Services, CC Docket No. 96-115; WC Docket No. 04-36, Report and Order and Further Notice of Proposed Rulemaking, 22 FCC Rcd 6927 (2007)("[Electronic Privacy Information Center] EPIC CPNI Order"). Although the primary intent of the EPIC CPNI Order was to address the issue of "pretexting," "the practice of pretending to be a particular customer or other authorized person in order to obtain access to that customer's call detail or other private communications records," the EPIC Order imposed additional CPNI protection safeguards on all carriers, including adoption of permanent annual certifications, and extended CPNI obligations to VoIP providers. A listing of the specific additional obligations implemented through the EPIC CPNI Order is attached.

⁷ See, e.g. EB Provides Guidance on Filing of Annual Customer Proprietary Network Information (CPNI) Certifications Under 47 C.F.R. S:64.2009(e) EB Docket No. 06-36, Public Notice, DA 08-171 (January 29, 2008)

rules. The attached certification and accompanying transmittal letter, which addresses the Company's operating procedures, has been prepared to comply.

NOTE: Companies are to declare: 1) whether action has been taken against data brokers in the past year, and "report on any information that they have with respect to the processes pretexters are using to attempt to access CPNI; 2) what steps companies are taking to protect CPNI; and 3) whether the Company received any customer complaints in the past year concerning the unauthorized release of CPNI. If unauthorized access to CPNI complaints have been received, the Company must state "the number of customer complaints a company has received related to, or unauthorized disclosure of CPNI, broken down by category or complaint, e.g., instances of improper access by employees, instances of improper disclosure to individuals not authorized to receive the information, or instances of improper access to online information by individuals not authorized to view the information. The Company must also then summarize all customer complaints received in the past year concerning the unauthorized release of CPNI. If any of the foregoing applies, please advise so the certification can be amended, accordingly.

To the extent that specific CPNI protection procedures have not yet been implemented, it would be advisable to implement such procedures now, generally consistent with the representations made in the letter, particularly as the Company is averring compliance.

We would also be pleased to provide a synopsis of Commission CPNI rules for purposes of verifying the Company's compliance.

Please do not hesitate to contact me at 253.851.6700, if you have any questions

EPIC CPNI Order Actions

- **Carrier Authentication Requirements.** We prohibit carriers from releasing call detail information to customers during customer-initiated telephone contact except when the customer provides a password. If a customer does not provide a password, we prohibit the release of call detail information except by sending it to an address of record or by the carrier calling the customer at the telephone of record. We also require carriers to provide mandatory password protection for online account access. However, we permit carriers to provide CPNI to customers based on in-store contact with a valid photo ID.
- **Notice to Customer of Account Changes.** We require carriers to notify the customer immediately when a password, customer-response to a back-up means of authentication for lost or forgotten passwords, online account, or address of record is created or changed.
- **Notice of Unauthorized Disclosure of CPNI.** We establish a notification process for both law enforcement and customers in the event of a CPNI breach.
- **Joint Venture and Independent Contractor Use of CPNI.** We modify our rules to require carriers to obtain opt-in consent from a customer before disclosing a customer's CPNI to a carrier's joint venture partners or independent contractors for the purposes of marketing communications-related services to that customer.
- **Annual CPNI Certification.** We amend the Commission's rules and require carriers to file with the Commission an annual certification, including an explanation of any actions taken against data brokers and a summary of all consumer complaints received in the previous year regarding the unauthorized release of CPNI.
- **CPNI Regulations Applicable to Providers of Interconnected VoIP Service.** We extend the application of the CPNI rules to providers of interconnected VoIP service.
- **Enforcement Proceedings.** We require carriers to take reasonable measures to discover and protect against pretexting, and, in enforcement proceedings, will infer from evidence of unauthorized disclosures of CPNI that reasonable precautions were not taken.
- **Business Customers.** In limited circumstances, we permit carriers to bind themselves contractually to authentication regimes other than those adopted in this Order for services they provide to their business customers that have a dedicated account representative and contracts that specifically address the carrier's protection of CPNI.